

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 JOSEPH VIGIL,

Case No. 3:18-cv-00424-MMD-WGC

4 Plaintiff,

ORDER

5 v.

6 SGT. MAGUIRE et al.,

7 Defendants.

8
9 This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. §
10 1983 by a state prisoner. Plaintiff has submitted an application to proceed *in forma*
11 *pauperis*. (ECF No. 1). Based on the financial information provided, the Court finds that
12 Plaintiff is unable to prepay the full filing fee in this matter.

13 The Court entered a screening order on Plaintiff's amended complaint on October
14 29, 2019. (ECF No. 9). The screening order dismissed all of the Defendants except for
15 Sgt. Maguire from this action, stayed the case for 90 days, and instructed the Attorney
16 General's Office to inform the Court as to whether it would make a limited appearance for
17 the purpose of settlement. (*Id.*) The Attorney General's Office indicated that Sgt. Maguire
18 is no longer a state employee and that it could not appear on his behalf unless Sgt.
19 Maguire requested in writing that it do so. (ECF No. 11.) The Court ordered the Attorney
20 General's Office to file Sgt. Maguire's last known address under seal, which the Attorney
21 General's Office has now done. (ECF Nos. 15, 16.)

22 For the foregoing reasons, **IT IS ORDERED** that:

23 1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is
24 **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. In
25 the event that this action is dismissed, the full filing fee must still be paid pursuant to 28
26 U.S.C. § 1915(b)(2).

27 2. The movant herein is permitted to maintain this action to conclusion without
28 the necessity of prepayment of any additional fees or costs or the giving of security

1 therefor. This order granting leave to proceed *in forma pauperis* shall not extend to the
2 issuance and/or service of subpoenas at government expense.

3 3. Pursuant to 28 U.S.C. § 1915(b)(2), the Nevada Department of Corrections
4 shall pay to the Clerk of the United States District Court, District of Nevada, 20% of the
5 preceding month's deposits to Plaintiff's account (**Joseph Vigil, #1081905**), in the months
6 that the account exceeds \$10.00, until the full \$350.00 filing fee has been paid for this
7 action. The Clerk of the Court shall **SEND** a copy of this order to the Finance Division of
8 the Clerk's Office. The Clerk of the Court shall also **SEND** a copy of this order to the
9 attention of the Chief of Inmate Services for the Nevada Department of Corrections, P.O.
10 Box 7011, Carson City, NV 89702.

11 4. The Clerk of Court **will issue a** summons for Defendant Sgt. Maguire, **and**
12 **deliver the same**, to the U.S. Marshal for service. The Clerk also **will send** sufficient
13 copies of the first amended complaint (ECF No. 7) and this order to the U.S. Marshal for
14 service on Defendant.

15 5. The Clerk **will send** to Plaintiff **one (1)** USM-285 form. Plaintiff will have
16 **thirty (30) days** within which to furnish to the U.S. Marshal the required USM-285 form
17 with relevant information as to Sgt. Maguire. Plaintiff should indicate on the form that Sgt.
18 Maguire's last known address is filed under seal in ECF No. 16 in this action, Case No.
19 3:18-cv-00424-MMD-WGC.

20 6. Within **twenty (20) days** after receiving from the U.S. Marshal a copy of the
21 USM-285 form showing whether service has been accomplished, Plaintiff must file a
22 notice with the Court identifying which Defendant(s) were served and which were not
23 served, if any. If Plaintiff wishes to have service again attempted on an unserved
24 Defendant(s), then a motion must be filed with the Court identifying the unserved
25 Defendant(s) and specifying a more detailed name and/or address for said Defendant(s),
26 or whether some other manner of service should be attempted.

27 7. Plaintiff will serve upon Defendants or, if appearance has been entered by
28 counsel, upon the attorney(s), a copy of every pleading, motion or other document
submitted for consideration by the Court. Plaintiff will include with the original paper

1 submitted for filing a certificate stating the date that a true and correct copy of the
2 document was mailed to the Defendants or counsel for the Defendants. The Court may
3 disregard any paper received by a district judge or magistrate judge which has not been
4 filed with the clerk, and any paper received by a district judge, magistrate judge or the
5 clerk which fails to include a certificate of service.

6 8. This case is no longer stayed.

7 DATED THIS 20th day of December 2019.

8 *Walter G. Cobb*

9 UNITED STATES MAGISTRATE JUDGE
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